

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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INTERSTATE POWER AND LIGHT	)	CASE NO. _____
COMPANY	)	
	)	
Petitioner,	)	<b>PETITION FOR</b>
v.	)	<b>JUDICIAL REVIEW</b>
	)	
IOWA UTILITIES BOARD, A DIVISION	)	
OF THE DEPARTMENT OF COMMERCE,	)	<b>*EXPEDITED RELIEF REQUESTED*</b>
STATE OF IOWA,	)	
	)	
Respondent.	)	

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COMES NOW the Petitioner, Interstate Power and Light Company, and for its Petition for Judicial Review of agency action of the Iowa Utilities Board, pursuant to Iowa Code § 17A.19(10), states as follows:

**INTRODUCTION**

Interstate Power and Light Company (“IPL”) seeks judicial review of a final decision issued by the Iowa Utilities Board (“Board”) that unlawfully denied IPL’s application for advance ratemaking principles for a 200 megawatts (MW) solar project and a 75 MW battery energy storage system<sup>1</sup>, contrary to the plain language, purpose and intent of Iowa Code § 476.53, binding precedent, administrative rules, and the evidence in the case.

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<sup>1</sup> IPL’s application for advance ratemaking principles, filed more than fifteen months ago on November 2, 2021, requested that the Board specify advance ratemaking principles for total of 475 MW of solar and battery energy storage facilities. These facilities include a 50 MW solar generating facility, referred to as Duane Arnold Solar I, and a 150 MW solar generating facility co-located with a 75 MW battery energy storage system, referred to as Duane Arnold Solar II, each of which would be in the vicinity of the Duane Arnold Energy Center in Linn County, Iowa. IPL also requested advance ratemaking principles for 200 MW of solar generating facilities in Iowa, to be determined using IPL’s site selection process. The Order on Reconsideration granted, in part, IPL’s Motion for Reconsideration with respect to Duane Arnold Solar I and the solar generating facilities making up Duane Arnold Solar II, and requested that IPL provide additional information regarding those facilities by no later than January 30, 2023. The Board, however, denied reconsideration with the respect to the 200 MW of solar generating facilities and the 75 MW battery energy storage system, each of which are the subject of this Petition for Judicial Review.

In 2001, the Iowa Legislature enacted Iowa Code § 476.53 for the express purpose of encouraging utility-owned generation in Iowa to ensure reliable electric service for Iowa consumers, providing economic benefits to the state, and promoting diversity in the types of fuel used to generate electricity. In order to fulfill the legislative purpose of attracting the development of generating facilities, the statute requires that “[t]he board *shall* specify in advance, by order issued after a contested case proceeding, the ratemaking principles that will apply when the costs of the electric power generating facility or alternate energy production facility are included in regulated electric rates...” Iowa Code § 476.53(3)(a) (emphasis added). Advance ratemaking principles specified pursuant to Iowa Code § 476.53 establish the financial parameters of a utility’s recovery of the costs of a generation facility, in advance of construction, thereby providing the financial certainty necessary to attract capital investment to build the resource and meet customers’ needs for reliable, long term electric supply.

After a contested case proceeding, on November 9, 2022 the Board issued a 16-page final decision unlawfully refusing to specify advance ratemaking principles for IPL’s solar and battery energy storage projects. On November 29, 2022, IPL timely requested reconsideration or rehearing of the final decision, providing additional information to the Board and identifying numerous legal and factual errors in the order. The Board subsequently affirmed its refusal to issue ratemaking principles for the 200 MW of solar and the 75 MW battery energy storage system, in an order issued December 29, 2022, on grounds inconsistent with Iowa Code § 476.53, its administrative rules, binding precedent and the evidence in the record.

IPL is harmed by and seeks judicial review of the Board Orders issued on November 9, 2022 and December 29, 2022. The Board’s decisions are contrary to the plain language, purpose and intent of the advance ratemaking statute in Iowa Code § 476.53 and place at risk critically

needed renewable energy generation projects that will provide capacity and increase reliability for IPL's customers, as well as hundreds of good paying jobs, and millions of dollars of economic development and tax revenue for the state of Iowa.

IPL requests expedited relief because the record demonstrates that IPL needs to move forward expeditiously with development and construction of the 200 MW of solar generation and the 75 MW battery energy storage system to reliably serve Iowa customers. The Board's decisions adversely impact IPL's ability to move forward with construction of the Project, its contracts with third parties, and financial obligations under these contracts, which will result in increased costs to customers.

### **PARTIES, JURISDICTION & VENUE**

1. Petitioner Interstate Power and Light Company (referred to as "Petitioner" or "IPL") is an Iowa corporation with its principal place of business in Cedar Rapids, Iowa. IPL is a rate-regulated public utility that provides electric and natural gas service to approximately 500,000 electric and 250,000 natural gas customers in 83 counties in Iowa. IPL is a wholly-owned subsidiary of Alliant Energy Corporation.

2. Respondent Iowa Utilities Board is a Division of the Department of Commerce, an agency of the State of Iowa located in Des Moines, Polk County, Iowa. Respondent is an administrative agency as defined in Iowa Code section 17A.2(1).

3. IPL is aggrieved and adversely affected by the Board's Final Order of November 9, 2022 ("Final Order") and Order issued on December 29, 2022 ("Order on Reconsideration") denying in part IPL's Motion for Reconsideration or Rehearing filed on November 29, 2022 ("Motion for Reconsideration"), in a case entitled *In re: Interstate Power and Light Company*, Docket No. RPU-2021-0003. Copies of the Board's Final Order and Order on Reconsideration

are attached hereto as Exhibits A and B, respectively. In the Order on Reconsideration, the Board denied the portion of IPL's Application seeking approval for advance ratemaking principles for 200 MW of solar generation and a 75 MW battery energy storage system.

4. The Final Order and Order on Reconsideration constitute final agency action pursuant to Iowa Code section 17A.19 with respect to the portion of the Final Order and Order on Reconsideration denying advance rate making for 200 MW of solar generation and the 75 MW battery energy storage system. In the alternative, the portion of the Final Order and Order on Reconsideration denying advance ratemaking principles for 200 MW of solar generation and the 75 MW battery energy storage system are appropriately before the Court as an application for interlocutory appeal pursuant to Iowa Code section 17A.19(5)(b) and Iowa Rule of Appellate Procedure 6.108.

5. This Petition for Judicial Review is timely filed.

6. The Polk County District Court is the court of proper venue pursuant to Iowa Code §17A.19(2).

7. IPL seeks reversal of the Board's Final Order and Order on Reconsideration, which erroneously denied advance ratemaking principles for 200 MW of solar generation and a 75 MW of battery energy storage system, and requests the Court remand this case to the Board with directions to specify the ratemaking principles for 200 MW of solar generation and the 75 MW battery energy storage system project consistent with Iowa Code § 476.53(3)(a).

#### **NATURE OF AGENCY ACTION**

8. Iowa Code § 476.53 incentivizes rate-regulated utilities, such as IPL, to request the Board specify advance ratemaking principles when the utility proposes to construct, lease, or own, alternate energy production facilities, which includes solar and energy storage. Iowa Code

§ 476.42; *See* 199 IAC 41.1 (defining “facility” to include “energy storage systems located at the site of an alternate energy production facility.”).

9. Iowa Code § 476.53 requires the Board to make two findings as part of issuing advance ratemaking principles: that the utility has in effect a Board-approved energy efficiency plan; and that the utility has considered other sources for long-term electric supply and that the construction, ownership, or lease of the facility is reasonable when compared to other feasible alternative sources of supply. Iowa Code § 476.53(3)(c)(1)-(2).

10. On November 20, 2020, IPL completed and filed with the Board an integrated resource plan, called the Iowa Clean Energy Blueprint (“Blueprint” or “Integrated Resource Plan”), which was a resource-neutral evaluation of IPL’s generation fleet across various future scenarios and included input from Board staff, the Iowa Department of Justice, Office of Consumer Advocate (OCA) and multiple other parties. The Blueprint modeling analyzed and compared the future impacts of multiple resource portfolios, such as continued investment in existing coal-fired generating units, or adding natural gas-fired generating units, wind, solar, and other resource types. The Integrated Resource Plan overwhelmingly showed across a range of scenarios that adding 400 MW of solar, combined with coal power plant retirements and conversions of coal power plants to natural gas, would result in a generation portfolio with the lowest overall average long-term cost to customers. After the Blueprint was completed, IPL performed supplemental analysis demonstrating that battery energy storage would further enhance the reliability of IPL’s generating fleet.

11. On November 2, 2021, IPL filed an “Application for Advance Ratemaking Principles, Waiver of Reorganization Requirements, and Limited Waiver of Energy Adjustment

Clause Requirements” (“Application”) supported by direct testimony, pursuant to Iowa Code § 476.53 and 199 IAC Chapter 41.

12. The specific projects for which IPL requested advance ratemaking principles consisted of Duane Arnold Solar I, a 50 MW solar generating facility; Duane Arnold Solar II, a 150 MW solar generating facility paired with a 75 MW battery energy storage system, and an additional 200 MW of solar generating facilities in Iowa, at locations to be finalized based on IPL’s site selection process. The value of the projects is approximately \$800-900 million.

13. Consistent with the results of its Integrated Resource Plan, IPL’s Application requested that the Board specify the advance ratemaking principles that would apply for a project consisting of 400 MW of solar and 75 MW of battery energy storage. IPL’s Application and testimony explained that the projects were selected after a rigorous analysis of alternatives through its integrated resource planning process and were being pursued in order to provide various customer benefits including, but not limited to: (1) the addition of solar and storage projects resulted in the lowest overall average long-term cost to customers; (2) IPL’s demonstrated need for additional capacity to provide reliable electric service to customers; (3) the ability to reuse the existing transmission infrastructure at the now retired Duane Arnold Energy Center; (3) the State’s policy of encouraging utility development of renewable energy generation; and (4) IPL’s desire to further increase fuel diversity through the addition of solar.

14. The Clean Energy Blueprint satisfied the requirement in Iowa Code section 476.53(3)(c)(2), which requires a utility “to do no more than demonstrate its proposed facility is reasonable in light of the fact the utility cautiously thought about the character or qualities of alternative sources for long-term electric supply it could utilize.” *NextEra Energy Resources, LLC v. Iowa. Util. Bd.*, 815 N.W.2d 30, 41 (Iowa 2012).

15. On January 3, 2022, the Board issued an order docketing the Application, setting a scheduling conference, and requesting additional information from IPL (“January 3 Order”). On January 24, 2022, IPL filed a response to the Board’s January 3 Order, in which IPL provided information that further demonstrated that IPL’s Application met statutory requirements.

16. The Board issued a procedural schedule on January 25, 2022, specifying the dates by which the parties, including intervenors, were required to submit direct, cross rebuttal, and rebuttal testimony. On March 11, 2022, the Board issued a second order requesting additional information (“March 11 Order”) about the Project.

17. On April 1, 2022, IPL filed a response to the Board’s March 11 Order containing hundreds of pages of additional responsive information for the Board, including 18 pages of narrative explanation and 13 attachments. In its response, IPL explained the market conditions and risks, cost pressures, and commodity cost issues that limit the feasibility of power purchase agreements (PPA) as an alternative to utility ownership of the Projects. In support of its responses, IPL submitted copies of all long-term PPAs IPL entered into within the last five years, supporting data and analysis containing forward-looking projections related to market price risk calculations and pricing forecasts.

18. On April 5, 2022, IPL filed a motion requesting an extension to the procedural schedule to provide additional time for IPL to evaluate certain economic and trade policy changes affecting solar and battery energy storage projects in the United States. The Board granted IPL’s request on April 6, 2022.

19. On April 15, 2022, IPL filed a Joint Proposed Procedural Schedule, which the Board adopted in its April 20, 2022, Order Cancelling Scheduling Conference and Establishing Revised Procedural Schedule.

20. On May 26, 2022, a technical conference was held with IPL, intervenors, and the Board.

21. Pursuant to the Joint Proposed Procedural Schedule, IPL filed its rebuttal testimony on June 20, 2022 and the parties filed rebuttal testimony on July 13, 2022. On July 21, 2022, IPL filed a motion for leave to file sur-rebuttal testimony, and concurrently filed sur-rebuttal testimony. The parties filed testimony and exhibits in response to IPL's sur-rebuttal on July 29, 2022.

22. The Board held a contested case hearing on IPL's Application at the Board's office in Des Moines, Iowa on August 8-9, 2022.

23. The Inflation Reduction Act of 2022 was signed by President Biden on August 16, 2022. On August 24, 2022, the Board re-opened the evidentiary record, established a revised procedural schedule, and required IPL to update the economic evaluation of the Projects based on the enhanced tax benefits for renewable energy projects in the Inflation Reduction Act. IPL's updated economic analysis showed the newly available tax benefits under the Inflation Reduction Act would reduce the customer cost of the projects by approximately \$157 million in net present value.

24. IPL submitted post-hearing testimony and exhibits on September 9, 2022. Intervenors submitted further testimony on September 16, 2022. The parties submitted their post-hearing briefs on or before September 28, 2022.

25. On November 9, 2022, the Board issued a 16-page Final Order denying IPL's Application and refusing to specify advance ratemaking principles for the projects. The Final Order erroneously concluded, inter alia, that IPL did not meet the second statutory requirement set forth in Iowa Code § 476.53(3)(c)(2) and that "IPL has not demonstrated it has adequately



considered other sources for long-term electric supply, or that the solar and [battery energy storage system] projects are reasonable when compared to other feasible alternatives sources of electric supply.”<sup>2</sup>

26. The Final Order is based on an erroneous interpretation of Iowa Code § 476.53(3)(c)(2), contrary to Iowa law, and contrary to the Board’s prior precedent, administrative rules, and the weight of the evidence.

27. On November 29, 2022, IPL filed a Motion for Reconsideration or Rehearing (“Motion for Reconsideration”) requesting that the Board reconsider its Final Order denying IPL’s Application, requesting the Board apply the correct legal standard to the Application, and to correct the numerous errors made by the Board regarding the record evidence presented by IPL. In the alternative, IPL requested a rehearing pursuant to 199 IAC 7.27 to offer new evidence which was not available prior to the Board’s Final Order in the matter.

28. On December 29, 2022, the Board issued an Order on Reconsideration that denied IPL’s Motion for Reconsideration and for Rehearing on the 200 MW of solar generation and the 75 MW battery energy storage system project.

29. The Order on Rehearing again deviated from the law and the Board’s past precedent, this time denying the projects on grounds inconsistent with Iowa Code § 476.53 and 199 IAC chapter 41. The Order on Rehearing expressly recognized the need for the projects<sup>3</sup> to provide reliable service to customers but refused to specify advance ratemaking principles for the 200 MW of solar on the basis that site selection had not yet been fully completed.

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<sup>2</sup> IPL has in effect a Board-approved energy efficiency plan.

<sup>3</sup> “There is no question that IPL needs additional capacity and these two solar facilities, which have been approved for generation certificates by the Board, will provide some of the needed capacity.” *In Re: Interstate Power and Light Company*, Docket No. RPU-2021-0003, Order Addressing Motion for Reconsideration or Rehearing, p. 15-16, (Dec. 29, 2022).

30. The Order on Rehearing is contrary to the Board's own administrative rule, which only requires the location of an alternative energy production facility to be specified "to the extent feasible," and the Board's prior precedent in which the Board has specified advance ratemaking principles in multiple similar proceedings where site selection of wind facilities was not fully completed. (*See* 199 IAC 41.3(1)(c)). In adopting administrative rules governing advance ratemaking proceedings, the Board acknowledged that "[t]here is nothing in the rules that would lock an applicant into choosing a particular [ ] project site. If an applicant is unable to provide a certain piece of information in its application due to uncertainty about the project details, it may omit the information and explain why it is not reasonably available." 199 IAC Chapter 41 Rulemaking, Order Adopting Rules at 4-5 (Sept. 3, 2020).

31. As required by the Board's rules, IPL provided the Board all information concerning the location of the remaining 200 MW to the extent it was feasible for IPL to do so. IPL explained during the proceeding that (i) IPL was in the process of conducting a competitive bidding process for equipment supply and balance of plant construction services that would inform its selection of solar projects comprising the remaining 200 MW; (ii) IPL intended to ensure that any projects selected would have low interconnection costs and would not degrade the adequacy, reliability, or operating flexibility of the transmission system from a regional or local perspective, as required by the Board's rules at 199 IAC 41.3(1)(h); and (iii) any projects selected would be subject to the cost cap advance ratemaking principle to be specified by the Board in the proceeding. Accordingly, during the course of the proceeding and as required by the Board's rules, IPL provided all information concerning the location of the 200 MW of solar projects to the extent feasible.

32. The Order on Rehearing also refused to specify advance ratemaking principles for the 75 MW battery energy storage system based on a legally erroneous assertion that battery energy storage systems are an “untested” technology and thus ineligible for advance ratemaking principles when energy storage is explicitly identified as an eligible technology under the Board’s own administrative rules implementing Iowa Code § 476.53. *See* 199 IAC 41.1 (defining an eligible “facility” to include “energy storage systems located at the site of an alternate energy production facility.”).<sup>4</sup>

33. The Board’s erroneous legal conclusion in refusing to specify advance ratemaking principles applicable to the 75 MW battery energy storage system is further undermined by the fact that, on the same day that the Board’s denied IPL’s Application, the Board in Docket No. GCU-2021-0003, the Board granted a certificate of public convenience, use and necessity under Iowa Code Chapter 476A for the construction and operation of the same 75 MW battery energy storage system, having previously found that “the proposed solar and [battery energy storage system] projects are consistent with multiple statutory provisions expressing legislative intent and policies of this state”, including the advance ratemaking statute at Iowa Code section 476.53. *See* Iowa Util. Bd. Docket No. GCU-2021-0003, Order Granting Request for Waivers and Application for a Certificate of Public Convenience, Use and Necessity under Iowa Code Chapter 476A, at 14 (July 26, 2022); *see id.*, Order Issuing Certificates of Public Convenience, Use, and Necessity (November 9, 2022).<sup>5</sup>

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<sup>4</sup> Concurrently with this Petition for Judicial Review, IPL is filing the additional information required by the December 29, 2022 Order including IPL’s final selection of the location for the 200 MW of the solar, which are currently in the construction permitting process before the Board.

<sup>5</sup> This docket and the Board’s orders are publicly available on the Board’s website at <https://iub.iowa.gov>.

34. The Board's Final Order and Order on Reconsideration were erroneous in denying advance ratemaking principles for the 200 MW of solar generation and the 75 MW battery energy storage system project in the following respects:

- (a) The Board erred in denying IPL's Application and refusing to specify advance ratemaking principles for the 200 MW of solar generation portion of the project on the basis that IPL has not finalized the site selection for this portion of the project, contrary to the Iowa Code § 476.53, the Board's past precedent, and administrative rules.
- (b) The Board erred in finding the 200 MW of solar generation portion of the project did not meet the requirements of Iowa Code § 476.53(3)(c)(2).
- (c) The Board erred in finding the 75 MW battery energy storage system was ineligible for advance ratemaking principles on the basis that a battery energy storage system is "unproven for large-scale, long-term use" and in refusing to specify advance ratemaking principles for this portion of the project, contrary to Iowa Code § 476.53(3) and the administrative rules.
- (d) The Board erred in finding the 75 MW battery energy storage system portion of the project did not meet the requirements of § 476.53(3)(c)(2).
- (e) The Board applied an incorrect legal standard for evaluating IPL's alternatives analysis under Iowa Code § 476.53(3)(c)(2), which had the effect of requiring IPL to undertake a number of actions not mandated by the plain language of that statute, the Board's rules at 199 IAC Chapter 41, any binding legal precedent interpreting the statute or rules, or past Board precedent including:
  - i. A requirement that IPL conduct a competitive bidding process through a Request for Proposals (RFP) prior to filing the Application, despite that the plain language of Iowa Code § 476.53(3)(c)(2) and the Board's past precedent makes clear that there is no such requirement;
  - ii. A requirement that IPL update its Integrated Resource Plan, despite that there is no requirement in Iowa Code § 476.53(3)(c)(2) to submit an integrated resource plan with an application for advance ratemaking principles, or to continually update that plan during the proceeding;
  - iii. A requirement that IPL obtain fixed price PPA offers from independent power producers, despite the absence of any such

requirement in the plain language of Iowa Code § 476.53(3)(c)(2) or in the Board's rules, and despite prior Board precedent;

- iv. A requirement that IPL compare the projects to speculative, future generation projects that may or may not materialize as a result of the Inflation Reduction Act of 2022, despite Iowa Code § 476.53(3)(c)(2) requires an analysis of "feasible" alternatives, which cannot reasonably include projects that do not exist; and
  - v. A requirement that IPL consider short-term market purchases of capacity, despite Iowa Code § 476.53(3)(c)(2) requiring an analysis of "long-term" sources of supply.
- (f) The Board erred in disregarding evidence demonstrating the sufficiency of IPL's alternatives analysis for the 200 MW of solar generation and 75 MW battery energy storage portion of the project.
  - (g) The Board erred in concluding that IPL did not conduct a resource- neutral comparison to other generation types for the 200 MW of solar generation and 75 MW battery energy storage portion of the project.
  - (h) The Board erred in finding that IPL had not considered alternatives to the 200 MW of solar generation and 75 MW battery energy storage portion of the project "based upon the anticipated market for electric supply that will result from the IRA."
  - (i) The Board erred in disregarding evidence that IPL was in the process of completing an RFP for construction services and solar project equipment for the 200 MW of solar and had completed an RFP for the 75 MW battery energy storage system portion of the project.
  - (j) The Board's Findings of Fact are not supported by substantial evidence in the record made before the Board.

#### **PARTICULAR ACTIONS APPEALED FROM**

35. IPL is adversely affected by and appeals from the Board's Final Order issued November 9, 2022, and Order on Reconsideration issued December 29, 2022 denying IPL's Application for Advance Ratemaking for 200 MW of solar generation and a 75 MW battery energy storage system project, and all other rulings, orders or determinations inhering therein.

### **GROUND ON WHICH RELIEF IS SOUGHT**

36. Pursuant to Iowa Code § 17A.19(10), substantial rights of the Petitioner have been prejudiced because the Board's Final Order of November 9, 2022, Order on Reconsideration issued December 29, 2022, and other rulings, orders, and determinations in the proceedings noted above are:

- (a) In violation of Iowa law. Iowa Code § 17A.19(10)(b);
- (b) Beyond the authority delegated to the Board by any provision of law or in violation of any provision of law. Iowa Code § 17A.19(10)(b);
- (c) Contrary to the statutory authority vested in the Board. Iowa Code § 17A.19(10)(b);
- (d) Based on erroneous interpretation of a provision of law whose interpretation has not clearly been vested by a provision of law in the discretion of the Board. Iowa Code § 17A.19(10)(c);
- (e) Based on a determination of fact clearly vested by a provision of law in the discretion the agency that is not supported by substantial evidence in the record made before the Board. Iowa Code § 17A.19(10)(f);
- (f) Action other than a rule that is inconsistent with a rule of the agency. Iowa Code § 17A.19(10)(g);
- (g) Inconsistent with the prior practices and precedent of the Board without justifying the inconsistency by stating credible reasons sufficient to indicate a fair and rational basis for the inconsistency. Iowa Code § 17A.19(10)(h);
- (h) The product of reasoning that is so illogical as to render it wholly irrational. Iowa Code § 17A.19(10)(i);
- (i) The product of a decision-making process in which the agency did not consider a relevant and important matter relating to the propriety or desirability of the action in question that a rational decision maker in similar circumstances would have considered prior to taking that action. Iowa Code § 17A.19(10)(j);
- (j) Not required by law and its negative impact on the private rights affected is so grossly disproportionate to the benefits accruing to the public interest from the action that it must necessarily be deemed to lack any foundation in rational agency policy. Iowa Code § 17A.19(10)(k);

- (k) Based upon an irrational, illogical or wholly unjustifiable interpretation of law whose interpretation has clearly been vested by a provision of law in the discretion of the agency. Iowa Code § 17A.19(10)(l);
- (l) Based upon an irrational, illogical or wholly unjustifiable application of law to fact that has clearly been vested by a provision of law in the discretion of the agency. Iowa Code § 17A.19(10)(m);
- (m) Affected by other errors of law. Iowa Code § 17A.19(10)(l); and
- (n) Unreasonable, arbitrary, capricious or an abuse of discretion. Iowa Code § 17A.19(10)(n).

37. IPL requests an expedited hearing because, as the Board acknowledges, there is a demonstrated capacity need and Petitioner needs to move forward with development and construction of the 200 MW of solar generation and 75 MW battery energy storage system project. IPL's demonstrated capacity need means there may not be enough power available to reliably serve its customers. An inability to move forward with this project will adversely impact Petitioner's contracts with third parties and will result increased costs to customers.

### **REQUESTED RELIEF**

WHEREFORE, Petitioner requests that the Court grant the following relief:

1. Reverse the Board's Final Order of November 9, 2022, and Order on Reconsideration issued December 29, 2022, and remand this case to the Board with directions to specify the ratemaking principles for 200 MW of solar generation and the 75 MW battery energy storage system project consistent with Iowa Code § 476.53.
2. Grant such further and additional relief as the Court deems equitable under the circumstances.
3. Assess the costs of this action against the Respondent.

**REQUEST FOR EXPEDITED ORAL HEARING AND PRESENTATION OF  
EVIDENCE**

Petitioner hereby respectfully requests an expedited briefing and oral argument schedule and the right to present evidence in this matter.

**REQUEST FOR EXPEDITED SCHEDULE**

Given the nature of this action, Petitioner hereby respectfully requests the case be processed on an expedited basis.

Respectfully Submitted,

/s/Tara Z. Hall

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